

**As Reported by the House Transportation, Public Safety and
Homeland Security Committee**

**129th General Assembly
Regular Session
2011-2012**

Sub. H. B. No. 514

Representative Newbold

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A B I L L

To amend sections 4511.01, 4511.04, 4511.213, and 1
5501.03 of the Revised Code to authorize the 2
Director of Transportation to enter into an 3
agreement or contract with any entity to establish 4
a traveler information program to provide 5
real-time traffic conditions and travel time 6
information at no cost to the traveler and to 7
require motor vehicle operators to take certain 8
actions upon approaching a highway maintenance 9
vehicle. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4511.01, 4511.04, 4511.213, and 11
5501.03 of the Revised Code be amended to read as follows: 12

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 13
the Revised Code: 14

(A) "Vehicle" means every device, including a motorized 15
bicycle, in, upon, or by which any person or property may be 16
transported or drawn upon a highway, except that "vehicle" does 17
not include any motorized wheelchair, any electric personal 18
assistive mobility device, any device that is moved by power 19

collected from overhead electric trolley wires or that is used 20
exclusively upon stationary rails or tracks, or any device, other 21
than a bicycle, that is moved by human power. 22

(B) "Motor vehicle" means every vehicle propelled or drawn by 23
power other than muscular power or power collected from overhead 24
electric trolley wires, except motorized bicycles, road rollers, 25
traction engines, power shovels, power cranes, and other equipment 26
used in construction work and not designed for or employed in 27
general highway transportation, hole-digging machinery, 28
well-drilling machinery, ditch-digging machinery, farm machinery, 29
and trailers designed and used exclusively to transport a boat 30
between a place of storage and a marina, or in and around a 31
marina, when drawn or towed on a street or highway for a distance 32
of no more than ten miles and at a speed of twenty-five miles per 33
hour or less. 34

(C) "Motorcycle" means every motor vehicle, other than a 35
tractor, having a seat or saddle for the use of the operator and 36
designed to travel on not more than three wheels in contact with 37
the ground, including, but not limited to, motor vehicles known as 38
"motor-driven cycle," "motor scooter," or "motorcycle" without 39
regard to weight or brake horsepower. 40

(D) "Emergency vehicle" means emergency vehicles of 41
municipal, township, or county departments or public utility 42
corporations when identified as such as required by law, the 43
director of public safety, or local authorities, and motor 44
vehicles when commandeered by a police officer. 45

(E) "Public safety vehicle" means any of the following: 46

(1) Ambulances, including private ambulance companies under 47
contract to a municipal corporation, township, or county, and 48
private ambulances and nontransport vehicles bearing license 49
plates issued under section 4503.49 of the Revised Code; 50

(2) Motor vehicles used by public law enforcement officers or 51
other persons sworn to enforce the criminal and traffic laws of 52
the state; 53

(3) Any motor vehicle when properly identified as required by 54
the director of public safety, when used in response to fire 55
emergency calls or to provide emergency medical service to ill or 56
injured persons, and when operated by a duly qualified person who 57
is a member of a volunteer rescue service or a volunteer fire 58
department, and who is on duty pursuant to the rules or directives 59
of that service. The state fire marshal shall be designated by the 60
director of public safety as the certifying agency for all public 61
safety vehicles described in division (E)(3) of this section. 62

(4) Vehicles used by fire departments, including motor 63
vehicles when used by volunteer fire fighters responding to 64
emergency calls in the fire department service when identified as 65
required by the director of public safety. 66

Any vehicle used to transport or provide emergency medical 67
service to an ill or injured person, when certified as a public 68
safety vehicle, shall be considered a public safety vehicle when 69
transporting an ill or injured person to a hospital regardless of 70
whether such vehicle has already passed a hospital. 71

(5) Vehicles used by the motor carrier enforcement unit for 72
the enforcement of orders and rules of the public utilities 73
commission as specified in section 5503.34 of the Revised Code. 74

(F) "School bus" means every bus designed for carrying more 75
than nine passengers that is owned by a public, private, or 76
governmental agency or institution of learning and operated for 77
the transportation of children to or from a school session or a 78
school function, or owned by a private person and operated for 79
compensation for the transportation of children to or from a 80
school session or a school function, provided "school bus" does 81

not include a bus operated by a municipally owned transportation 82
system, a mass transit company operating exclusively within the 83
territorial limits of a municipal corporation, or within such 84
limits and the territorial limits of municipal corporations 85
immediately contiguous to such municipal corporation, nor a common 86
passenger carrier certified by the public utilities commission 87
unless such bus is devoted exclusively to the transportation of 88
children to and from a school session or a school function, and 89
"school bus" does not include a van or bus used by a licensed 90
child day-care center or type A family day-care home to transport 91
children from the child day-care center or type A family day-care 92
home to a school if the van or bus does not have more than fifteen 93
children in the van or bus at any time. 94

(G) "Bicycle" means every device, other than a tricycle 95
designed solely for use as a play vehicle by a child, propelled 96
solely by human power upon which any person may ride having two 97
tandem wheels, or one wheel in the front and two wheels in the 98
rear, or two wheels in the front and one wheel in the rear, any of 99
which is more than fourteen inches in diameter. 100

(H) "Motorized bicycle" means any vehicle having either two 101
tandem wheels or one wheel in the front and two wheels in the 102
rear, that is capable of being pedaled and is equipped with a 103
helper motor of not more than fifty cubic centimeters piston 104
displacement that produces no more than one brake horsepower and 105
is capable of propelling the vehicle at a speed of no greater than 106
twenty miles per hour on a level surface. 107

(I) "Commercial tractor" means every motor vehicle having 108
motive power designed or used for drawing other vehicles and not 109
so constructed as to carry any load thereon, or designed or used 110
for drawing other vehicles while carrying a portion of such other 111
vehicles, or load thereon, or both. 112

(J) "Agricultural tractor" means every self-propelling 113

vehicle designed or used for drawing other vehicles or wheeled 114
machinery but having no provision for carrying loads independently 115
of such other vehicles, and used principally for agricultural 116
purposes. 117

(K) "Truck" means every motor vehicle, except trailers and 118
semitrailers, designed and used to carry property. 119

(L) "Bus" means every motor vehicle designed for carrying 120
more than nine passengers and used for the transportation of 121
persons other than in a ridesharing arrangement, and every motor 122
vehicle, automobile for hire, or funeral car, other than a taxicab 123
or motor vehicle used in a ridesharing arrangement, designed and 124
used for the transportation of persons for compensation. 125

(M) "Trailer" means every vehicle designed or used for 126
carrying persons or property wholly on its own structure and for 127
being drawn by a motor vehicle, including any such vehicle when 128
formed by or operated as a combination of a "semitrailer" and a 129
vehicle of the dolly type, such as that commonly known as a 130
"trailer dolly," a vehicle used to transport agricultural produce 131
or agricultural production materials between a local place of 132
storage or supply and the farm when drawn or towed on a street or 133
highway at a speed greater than twenty-five miles per hour, and a 134
vehicle designed and used exclusively to transport a boat between 135
a place of storage and a marina, or in and around a marina, when 136
drawn or towed on a street or highway for a distance of more than 137
ten miles or at a speed of more than twenty-five miles per hour. 138

(N) "Semitrailer" means every vehicle designed or used for 139
carrying persons or property with another and separate motor 140
vehicle so that in operation a part of its own weight or that of 141
its load, or both, rests upon and is carried by another vehicle. 142

(O) "Pole trailer" means every trailer or semitrailer 143
attached to the towing vehicle by means of a reach, pole, or by 144

being boomed or otherwise secured to the towing vehicle, and 145
ordinarily used for transporting long or irregular shaped loads 146
such as poles, pipes, or structural members capable, generally, of 147
sustaining themselves as beams between the supporting connections. 148

(P) "Railroad" means a carrier of persons or property 149
operating upon rails placed principally on a private right-of-way. 150

(Q) "Railroad train" means a steam engine or an electric or 151
other motor, with or without cars coupled thereto, operated by a 152
railroad. 153

(R) "Streetcar" means a car, other than a railroad train, for 154
transporting persons or property, operated upon rails principally 155
within a street or highway. 156

(S) "Trackless trolley" means every car that collects its 157
power from overhead electric trolley wires and that is not 158
operated upon rails or tracks. 159

(T) "Explosives" means any chemical compound or mechanical 160
mixture that is intended for the purpose of producing an explosion 161
that contains any oxidizing and combustible units or other 162
ingredients in such proportions, quantities, or packing that an 163
ignition by fire, by friction, by concussion, by percussion, or by 164
a detonator of any part of the compound or mixture may cause such 165
a sudden generation of highly heated gases that the resultant 166
gaseous pressures are capable of producing destructive effects on 167
contiguous objects, or of destroying life or limb. Manufactured 168
articles shall not be held to be explosives when the individual 169
units contain explosives in such limited quantities, of such 170
nature, or in such packing, that it is impossible to procure a 171
simultaneous or a destructive explosion of such units, to the 172
injury of life, limb, or property by fire, by friction, by 173
concussion, by percussion, or by a detonator, such as fixed 174
ammunition for small arms, firecrackers, or safety fuse matches. 175

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.	176 177 178
(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	179 180
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	181 182
(X) "Pedestrian" means any natural person afoot.	183
(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.	184 185 186
(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.	187 188 189
(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.	190 191 192
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	193 194 195
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	196 197 198 199 200 201
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	202 203 204 205

(EE) "Roadway" means that portion of a highway improved, 206
designed, or ordinarily used for vehicular travel, except the berm 207
or shoulder. If a highway includes two or more separate roadways 208
the term "roadway" means any such roadway separately but not all 209
such roadways collectively. 210

(FF) "Sidewalk" means that portion of a street between the 211
curb lines, or the lateral lines of a roadway, and the adjacent 212
property lines, intended for the use of pedestrians. 213

(GG) "Laned highway" means a highway the roadway of which is 214
divided into two or more clearly marked lanes for vehicular 215
traffic. 216

(HH) "Through highway" means every street or highway as 217
provided in section 4511.65 of the Revised Code. 218

(II) "State highway" means a highway under the jurisdiction 219
of the department of transportation, outside the limits of 220
municipal corporations, provided that the authority conferred upon 221
the director of transportation in section 5511.01 of the Revised 222
Code to erect state highway route markers and signs directing 223
traffic shall not be modified by sections 4511.01 to 4511.79 and 224
4511.99 of the Revised Code. 225

(JJ) "State route" means every highway that is designated 226
with an official state route number and so marked. 227

(KK) "Intersection" means: 228

(1) The area embraced within the prolongation or connection 229
of the lateral curb lines, or, if none, the lateral boundary lines 230
of the roadways of two highways that join one another at, or 231
approximately at, right angles, or the area within which vehicles 232
traveling upon different highways that join at any other angle 233
might come into conflict. The junction of an alley or driveway 234
with a roadway or highway does not constitute an intersection 235
unless the roadway or highway at the junction is controlled by a 236

traffic control device.	237
(2) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.	238 239 240 241 242 243
(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (KK)(2) of this section:	244 245 246
(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.	247 248 249 250
(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.	251 252 253 254
(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.	255 256 257
(LL) "Crosswalk" means:	258
(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;	259 260 261 262
(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;	263 264 265
(3) Notwithstanding divisions (LL)(1) and (2) of this	266

section, there shall not be a crosswalk where local authorities 267
have placed signs indicating no crossing. 268

(MM) "Safety zone" means the area or space officially set 269
apart within a roadway for the exclusive use of pedestrians and 270
protected or marked or indicated by adequate signs as to be 271
plainly visible at all times. 272

(NN) "Business district" means the territory fronting upon a 273
street or highway, including the street or highway, between 274
successive intersections within municipal corporations where fifty 275
per cent or more of the frontage between such successive 276
intersections is occupied by buildings in use for business, or 277
within or outside municipal corporations where fifty per cent or 278
more of the frontage for a distance of three hundred feet or more 279
is occupied by buildings in use for business, and the character of 280
such territory is indicated by official traffic control devices. 281

(OO) "Residence district" means the territory, not comprising 282
a business district, fronting on a street or highway, including 283
the street or highway, where, for a distance of three hundred feet 284
or more, the frontage is improved with residences or residences 285
and buildings in use for business. 286

(PP) "Urban district" means the territory contiguous to and 287
including any street or highway which is built up with structures 288
devoted to business, industry, or dwelling houses situated at 289
intervals of less than one hundred feet for a distance of a 290
quarter of a mile or more, and the character of such territory is 291
indicated by official traffic control devices. 292

(QQ) "Traffic control device" means a flagger, sign, signal, 293
marking, or other device used to regulate, warn, or guide traffic, 294
placed on, over, or adjacent to a street, highway, private road 295
open to public travel, pedestrian facility, or shared-use path by 296
authority of a public agency or official having jurisdiction, or, 297

in the case of a private road open to public travel, by authority 298
of the private owner or private official having jurisdiction. 299

(RR) "Traffic control signal" means any highway traffic 300
signal by which traffic is alternately directed to stop and 301
permitted to proceed. 302

(SS) "Railroad sign or signal" means any sign, signal, or 303
device erected by authority of a public body or official or by a 304
railroad and intended to give notice of the presence of railroad 305
tracks or the approach of a railroad train. 306

(TT) "Traffic" means pedestrians, ridden or herded animals, 307
vehicles, streetcars, trackless trolleys, and other devices, 308
either singly or together, while using for purposes of travel any 309
highway or private road open to public travel. 310

(UU) "Right-of-way" means either of the following, as the 311
context requires: 312

(1) The right of a vehicle, streetcar, trackless trolley, or 313
pedestrian to proceed uninterruptedly in a lawful manner in the 314
direction in which it or the individual is moving in preference to 315
another vehicle, streetcar, trackless trolley, or pedestrian 316
approaching from a different direction into its or the 317
individual's path; 318

(2) A general term denoting land, property, or the interest 319
therein, usually in the configuration of a strip, acquired for or 320
devoted to transportation purposes. When used in this context, 321
right-of-way includes the roadway, shoulders or berm, ditch, and 322
slopes extending to the right-of-way limits under the control of 323
the state or local authority. 324

(VV) "Rural mail delivery vehicle" means every vehicle used 325
to deliver United States mail on a rural mail delivery route. 326

(WW) "Funeral escort vehicle" means any motor vehicle, 327

including a funeral hearse, while used to facilitate the movement 328
of a funeral procession. 329

(XX) "Alley" means a street or highway intended to provide 330
access to the rear or side of lots or buildings in urban districts 331
and not intended for the purpose of through vehicular traffic, and 332
includes any street or highway that has been declared an "alley" 333
by the legislative authority of the municipal corporation in which 334
such street or highway is located. 335

(YY) "Freeway" means a divided multi-lane highway for through 336
traffic with all crossroads separated in grade and with full 337
control of access. 338

(ZZ) "Expressway" means a divided arterial highway for 339
through traffic with full or partial control of access with an 340
excess of fifty per cent of all crossroads separated in grade. 341

(AAA) "Thruway" means a through highway whose entire roadway 342
is reserved for through traffic and on which roadway parking is 343
prohibited. 344

(BBB) "Stop intersection" means any intersection at one or 345
more entrances of which stop signs are erected. 346

(CCC) "Arterial street" means any United States or state 347
numbered route, controlled access highway, or other major radial 348
or circumferential street or highway designated by local 349
authorities within their respective jurisdictions as part of a 350
major arterial system of streets or highways. 351

(DDD) "Ridesharing arrangement" means the transportation of 352
persons in a motor vehicle where such transportation is incidental 353
to another purpose of a volunteer driver and includes ridesharing 354
arrangements known as carpools, vanpools, and buspools. 355

(EEE) "Motorized wheelchair" means any self-propelled vehicle 356
designed for, and used by, a handicapped person and that is 357

incapable of a speed in excess of eight miles per hour. 358

(FFF) "Child day-care center" and "type A family day-care 359
home" have the same meanings as in section 5104.01 of the Revised 360
Code. 361

(GGG) "Multi-wheel agricultural tractor" means a type of 362
agricultural tractor that has two or more wheels or tires on each 363
side of one axle at the rear of the tractor, is designed or used 364
for drawing other vehicles or wheeled machinery, has no provision 365
for carrying loads independently of the drawn vehicles or 366
machinery, and is used principally for agricultural purposes. 367

(HHH) "Operate" means to cause or have caused movement of a 368
vehicle, streetcar, or trackless trolley. 369

(III) "Predicate motor vehicle or traffic offense" means any 370
of the following: 371

(1) A violation of section 4511.03, 4511.051, 4511.12, 372
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 373
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 374
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 375
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 376
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 377
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 378
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 379
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 380
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 381
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 382

(2) A violation of division (A)(2) of section 4511.17, 383
divisions (A) to (D) of section 4511.51, or division (A) of 384
section 4511.74 of the Revised Code; 385

(3) A violation of any provision of sections 4511.01 to 386
4511.76 of the Revised Code for which no penalty otherwise is 387
provided in the section that contains the provision violated; 388

(4) A violation of a municipal ordinance that is 389
substantially similar to any section or provision set forth or 390
described in division (III)(1), (2), or (3) of this section. 391

(JJJ) "Road service vehicle" means wreckers, utility repair 392
vehicles, and state, county, and municipal service vehicles 393
equipped with visual signals by means of flashing, rotating, or 394
oscillating lights. 395

(KKK) "Beacon" means a highway traffic signal with one or 396
more signal sections that operate in a flashing mode. 397

(LLL) "Hybrid beacon" means a type of beacon that is 398
intentionally placed in a dark mode between periods of operation 399
where no indications are displayed and, when in operation, 400
displays both steady and flashing traffic control signal 401
indications. 402

(MMM) "Highway traffic signal" means a power-operated traffic 403
control device by which traffic is warned or directed to take some 404
specific action. "Highway traffic signal" does not include a 405
power-operated sign, steadily illuminated pavement marker, warning 406
light, or steady burning electric lamp. 407

(NNN) "Median" means the area between two roadways of a 408
divided highway, measured from edge of traveled way to edge of 409
traveled way, but excluding turn lanes. The width of a median may 410
be different between intersections, between interchanges, and at 411
opposite approaches of the same intersection. 412

(OOO) "Private road open to public travel" means a private 413
toll road or road, including any adjacent sidewalks that generally 414
run parallel to the road, within a shopping center, airport, 415
sports arena, or other similar business or recreation facility 416
that is privately owned but where the public is allowed to travel 417
without access restrictions. "Private road open to public travel" 418
includes a gated toll road but does not include a road within a 419

private gated property where access is restricted at all times, a 420
parking area, a driving aisle within a parking area, or a private 421
grade crossing. 422

(PPP) "Shared-use path" means a bikeway outside the traveled 423
way and physically separated from motorized vehicular traffic by 424
an open space or barrier and either within the highway 425
right-of-way or within an independent alignment. A shared-use path 426
also may be used by pedestrians, including skaters, joggers, users 427
of manual and motorized wheelchairs, and other authorized 428
motorized and non-motorized users. 429

(OOO) "Highway maintenance vehicle" means a vehicle used in 430
snow and ice removal or road surface maintenance, including a snow 431
plow, traffic line striper, road sweeper, mowing machine, asphalt 432
distributing vehicle, or other such vehicle designed for use in 433
specific highway maintenance activities. 434

Sec. 4511.04. (A) Sections 4511.01 to 4511.18, 4511.20 to 435
4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code do 436
not apply to persons, teams, motor vehicles, and other equipment 437
while actually engaged in work upon the surface of a highway 438
within an area designated by traffic control devices, but apply to 439
such persons and vehicles when traveling to or from such work. 440

(B) The driver of a highway maintenance vehicle owned by this 441
state or any political subdivision of this state, while the driver 442
is engaged in the performance of official duties upon a street or 443
highway, provided the highway maintenance vehicle is equipped with 444
flashing lights and such other markings as are required by law and 445
such lights are in operation when the driver and vehicle are so 446
engaged, shall be exempt from criminal prosecution for violations 447
of sections 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 448
4511.31, 4511.33, 4511.35, 4511.66, 4513.02, and 5577.01 to 449
5577.09 of the Revised Code. 450

(C)(1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of section 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, or 4513.02 or sections 5577.01 to 5577.09 of the Revised Code.

(2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of sections 5577.01 to 5577.09 of the Revised Code.

~~(D) As used in this section, "highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.~~

Sec. 4511.213. (A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, ~~an~~ emergency vehicle, or ~~a~~ road service vehicle, or stationary or moving highway maintenance vehicle, that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, as prescribed in section 4513.17 of the Revised Code, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, ~~an~~ emergency vehicle, or ~~a~~ road service vehicle, or highway maintenance vehicle.

(2) If the driver is not traveling on a highway of a type 482
described in division (A)(1) of this section, or if the driver is 483
traveling on a highway of that type but it is not possible to 484
change lanes or if to do so would be unsafe, the driver shall 485
proceed with due caution, reduce the speed of the motor vehicle, 486
and maintain a safe speed for the road, weather, and traffic 487
conditions. 488

(B) This section does not relieve the driver of a public 489
safety vehicle, ~~an~~ emergency vehicle, ~~or a~~ road service vehicle, 490
or highway maintenance vehicle from the duty to drive with due 491
regard for the safety of all persons and property upon the 492
highway. 493

(C) No person shall fail to drive a motor vehicle in 494
compliance with division (A)(1) or (2) of this section when so 495
required by division (A) of this section. 496

(D)(1) Except as otherwise provided in this division, whoever 497
violates this section is guilty of a minor misdemeanor. If, within 498
one year of the offense, the offender previously has been 499
convicted of or pleaded guilty to one predicate motor vehicle or 500
traffic offense, whoever violates this section is guilty of a 501
misdemeanor of the fourth degree. If, within one year of the 502
offense, the offender previously has been convicted of two or more 503
predicate motor vehicle or traffic offenses, whoever violates this 504
section is guilty of a misdemeanor of the third degree. 505

(2) Notwithstanding section 2929.28 of the Revised Code, upon 506
a finding that a person operated a motor vehicle in violation of 507
division (C) of this section, the court, in addition to all other 508
penalties provided by law, shall impose a fine of two times the 509
usual amount imposed for the violation. 510

Sec. 5501.03. (A) The department of transportation shall: 511

(1) Exercise and perform such other duties, powers, and 512
functions as are conferred by law on the director, the department, 513
the assistant directors, the deputy directors, or on the divisions 514
of the department; 515

(2) Coordinate and develop, in cooperation with local, 516
regional, state, and federal planning agencies and authorities, 517
comprehensive and balanced state policy and planning to meet 518
present and future needs for adequate transportation facilities in 519
this state, including recommendations for adequate funding of the 520
implementation of such planning; 521

(3) Coordinate its activities with those of other appropriate 522
state departments, public agencies, and authorities, and enter 523
into any contracts with such departments, agencies, and 524
authorities as may be necessary to carry out its duties, powers, 525
and functions; 526

(4) Cooperate with and assist the public utilities commission 527
in the commission's administration of sections 4907.47 to 4907.476 528
of the Revised Code, particularly with respect to the federal 529
highway administration; 530

(5) Cooperate with and assist the Ohio power siting board in 531
the board's administration of Chapter 4906. of the Revised Code; 532

(6) Give particular consideration to the development of 533
policy and planning for public transportation facilities, and to 534
the coordination of associated activities relating thereto, as 535
prescribed under divisions (A)(2) and (3) of this section; 536

(7) Conduct, in cooperation with the Ohio legislative service 537
commission, any studies or comparisons of state traffic laws and 538
local traffic ordinances with model laws and ordinances that may 539
be required to meet program standards adopted by the United States 540
department of transportation pursuant to the "Highway Safety Act 541
of 1966," 80 Stat. 731, U.S.C.A. 401; 542

(8) Prepare, print, distribute, and advertise books, maps, 543
pamphlets, and other information that, in the judgment of the 544
director, will inform the public and other governmental 545
departments, agencies, and authorities as to the duties, powers, 546
and functions of the department; 547

(9) In its research and development program, consider 548
technologies for improving roadways, including construction 549
techniques and materials to prolong project life, being used or 550
developed by other states that have geographic, geologic, or 551
climatic features similar to this state's, and collaborate with 552
those states in that development. 553

(B) Nothing contained in division (A)(1) of this section 554
shall be held to in any manner affect, limit, restrict, or 555
otherwise interfere with the exercise of powers relating to 556
transportation facilities by appropriate agencies of the federal 557
government, or by counties, municipal corporations, or other 558
political subdivisions or special districts in this state 559
authorized by law to exercise such powers. 560

(C) The department may use all appropriate sources of revenue 561
to assist in the development and implementation of rail service as 562
defined by division (C) of section 4981.01 of the Revised Code. 563

(D) The director of transportation may enter into contracts 564
with public agencies including political subdivisions, other state 565
agencies, boards, commissions, regional transit authorities, 566
county transit boards, and port authorities, to administer the 567
design, qualification of bidders, competitive bid letting, 568
construction inspection, and acceptance of any projects 569
administered by the department, provided the administration of 570
such projects is performed in accordance with all applicable state 571
and federal laws and regulations with oversight by the department. 572

(E) The director may enter into cooperative or contractual 573

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agreements with any individual, organization, or business related 574
to the creation or promotion of a traveler information program. 575
The traveler information program shall provide real-time traffic 576
conditions and travel time information to travelers at no cost to 577
the traveler. The director may contract with a program manager for 578
the traveler information program. The program manager shall be 579
responsible for all costs associated with the development and 580
operation of the traveler information program. The compensation 581
due to a program manager or vendor under any of these agreements 582
may include deferred compensation in an amount determined by the 583
director. Excess revenue shall be remitted to the department for 584
deposit into the highway operating fund. 585

(F) Any materials or data submitted to, made available to, or 586
received by the director of transportation, to the extent that the 587
materials or data consist of trade secrets, as defined in section 588
1333.61 of the Revised Code, or commercial or financial 589
information, are confidential and are not public records for the 590
purposes of section 149.43 of the Revised Code. 591

Section 2. That existing sections 4511.01, 4511.04, 4511.213, 592
and 5501.03 of the Revised Code are hereby repealed. 593